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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,260	05/25/2001	Toshiharu Kido	1046.1253	3211

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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

CHANNAVAJJALA, SRIRAMA T

ART UNIT PAPER NUMBER

2177

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

24

**Office Action Summary**

Application No.

09/864,260

Applicant(s)

KIDO, TOSHIHARU

Examiner

Srirama Channavajjala

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings filed on 8/4/2002 are approved by the Draftsperson under 37 CFR 1.84 or 1.152.

### *Information Disclosure Statement*

2. The information disclosure statement filed on 8/13/2001, paper no. # 2, 6/12/2002, paper no. # 3, has been considered, a copy of PTO-1449 is herewith enclosed with this office action, paper no. # 4.

### *Priority*

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d) based on Japanese Patent Application No. 2000-374801 filed on 12/8/2000. The certified copy has been filed in parent Application No. 09/864,260, filed on 5/25/2001. ***Specification***

4. The abstract of the disclosure is objected to because Abstract contains legend numbers for example processing system 1, 11, storage unit 3,4,13,14, control unit 2,12 in the parenthesis, and should be avoided.

Applicant is hereby required to submit corrected ABSTRACT on a separate Sheet in response to this office action, paper no. # 4.

Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 11-14,15-20,34 are rejected under 35 U.S.C. 101 because invention is directed to non-statutory subject matter.

A Terminal device claim(s) 11-14 recite only steps, which are not in the Technological arts in that they fail to recite the steps as executed on or by a Computer.

For Terminal device claim(s) 11-14, the terminal device comprises a communication unit, a control unit and the functional attributes thereof. The two units appears to be software per se, failing to be tangibly embodied.

A system Claim(s) 15-20 recite only steps, which are not in the Technological arts in that they fail to recite the steps as executed on or by a Computer.

For system Claim(s) 15-20, the system comprises search unit, sequence determining unit, control unit and the functional attributes thereof. These units appears to be software per se, failing to be tangibly embodied.

Method Claim 34 recite only steps, which are not in the Technological arts in that they fail to recite the steps as executed on or by a Computer.

For Method Claim 34, the method comprises searching content, determining a sequence, controlling the reproduction of the content data and the functional attributes thereof. These attributes appears to be software per se, failing to be tangibly embodied.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-50 are rejected under 35 U.S.C. 102(a and b) as being anticipated by Legall, et al., WO 98/43183.

7. As to Claims 1,21,35, Legali teaches a system which including 'an information processing system' [fig 1], 'a storage unit storing information' [fig 1, element 130], storing unit corresponds to Legall's memory as detailed in fig 1, 'a control unit' [fig 1, element 130], control unit corresponds to Legall's CPU, element 130, page 4, line 14-16, 'wherein said control unit searches locating information for locating where data exists, and judges whether or not the data located by the locating information comes under a predetermined category' [page 4, line 18-25, page 5, line 1-2, line 8-13, page 8, line 8-12, fig 3C], 'said storage unit, when the data is judged to come under the predetermined category, stores the locating information to collect pieces of locating information for locating where the data exist' [page 7, line 19-26, page 8, line 1-8].

8. As to Claim 2, Legall teaches a system which including 'a communication unit for accessing a network, or a communication connection module through which said communication unit is connected' [fig 3A, page 7, line 9-15], Legall specifically teaches for example search tool or search engine that interacts with different information resources such as internet, cable broadcast, satellite broadcast that corresponds to communication connection or communication unit for accessing a network, 'control unit searches the locating information retained in other information processing system on the network' [page 6, line 2-4, 19-27, page 7, line 1-5, fig 3a-3b], Legall directed to searching on network, more specifically searching information using Internet such as Yahoo that corresponds to information processing, querying or searching on the network, further Legall also suggests user can switch from one web site to another seamlessly for searching required information as detailed in page 6, line 19-27.

9. As to Claim 3, Legall teaches a system which including 'communication unit receives a selection criterion for selecting the data' [fig 3A], 'control unit judges whether or not the data is coincident with the selection criterion and collects pieces of locating information tracing to the data coincident with the selection criterion' [fig 3Bpage 7, line 9-24].

10. As to Claim 4, 38, Legall teaches a system which including 'input unit receives an input of the selection criterion for selecting the data' [fig 1, element 115, fig 3A-3B, line 18-25] selection criterion for selecting the data corresponds to fig 3A, element 314;

'control unit judges whether or not the data is coincident with the selection criterion and collects pieces of locating information tracing to the data coincident with the selection criterion' [fig 3B, page 7, line 9-24].

11. As to Claim 5, 45, Legall teaches a system which including 'communication unit receives a request for collecting the locating information from a terminal device connected to the network' [fig 1], 'control unit gets the collected locating information displayed on said terminal device' [fig 3B].

12. As to Claim 6, 12, 25-26, 31, 39-40, Legall teaches a system which including display unit for displaying the information, or a first connection module through which said display unit is connected' [fig 1, fig 3B], Legall specifically teaches displaying various information based on user search criterion as detailed in fig 3B, 'control unit gets the collected locating information displayed on said display unit' [page 7, line 23-26, page 8, line 1-2, fig 3B].

13. As to Claim 7, 10, 14, 27, 41, Legall teaches a system which including 'control unit searches character information related to the data, and gets the character information displayed in a way of being combined with the locating information' [page 8, line 1-6, line 17-20].

14. As to Claim 8, 28, 42, Legall teaches a system which including 'categories of the data are still image data, sound data, animated image data, text data, or combinations thereof' [page 7, line 23-26].

15. As to Claim 9, 13, Legall teaches a system which including 'an input unit' [fig 1, element 115], 'a display unit displaying information, or a first connection module through which said display unit is connected' [fig 1, fig 3B], display unit corresponds to fig 1, element 120, Legall specifically teaches displaying various information based on user search criterion as detailed in fig 3B, 'a sound output unit outputting sounds, or a second connection module through which said sound output unit is connected' [page 7, line 25-26, fig 3A, element 328], sound output unit outputting sounds corresponds to fig #A, element 328; 'wherein said control unit, when commanded to output the data via said input unit, gets the content described by the data outputted to said display unit or said sound output unit' [fig 3A, line 15-26].

16. As to Claim 11, Legall teaches a system which including 'a communication unit accessing a network, or a communication connection module through which said communication unit is connected' [fig 3A, page 7, line 9-15], accessing a network or communication connection corresponds to Legall's search engine connected though either Internet or www or cable broadcast, or satellite broadcast or combination of thereof as detailed in fig 3A, element 312, 310 and 308, 'a control unit' [fig 1, element 100,], control unit corresponds to Legall's CPU, element 130, page 4, line 14-16,



'control unit requests a server on the network to collect pieces of locating information for locating where data exists' [see Abstract, page 2, line 14-21], 'the data located by the locating information coming under a predetermined category, thus collecting the locating information' [page 8, line 5-14].

17. As to Claim 12, Legall teaches a system which including 'display unit displaying the information, or a first connection module through which said display unit is connected' [see fig 1, element 120], 'wherein said control unit gets the collected locating information displayed on said display unit' [see fig 1, fig 2-3].

18. As to Claim 15, 34,48, Legall teaches a system which including 'a search unit searching content data corresponding to predetermined conditions' [page 12, line 2-7, page 13, line 6-15, fig 2-3], Legall specifically teaches using search engines user can issues specific predetermined condition(s) for a specific information as detailed in page 12, line 2-7, page 13, line 6-15, 'a sequence determining unit determining a sequence of reproducing the content data searched' [see Abstract, page 11, line 3-17], Legall specifically teaches for example multiple web sites that met the search criteria are being presented such as web site URL(s) as detailed in page 11, line 9-13, 'a reproduction control unit controlling the reproduction of the content data in accordance with the reproducing sequence' [page 11, line 17-26, page 12, line 1-7].

19. As to Claim 16, Legall teaches a system which including content data are retained in other system accessible via a network' [see fig 3A], network corresponds to Internet or WWW.

20. As to Claim 17, Legall teaches a system which including 'predetermined condition is specified by a user' [page 9, line 2-18].

21. As to Claim 18, Legall teaches a system which including 'predetermined condition is to specify a specific genre of the content' [page 9, line 19-25].

22. As to Claim 19, Legall teaches a system which including 'predetermined condition is to specify a specific data category' [page 10, line 3-5].

23. As to Claim 20, Legall teaches a system which including 'content data are stream data' [page 11, line 3-13].

24. As to Claim 22, 36, Legall teaches a system which including ' data are stored in an information processing system on the network' [see fig 1-3].

25. As to Claim 23-24, 33, 37, 47, 49-50, Legall teaches a system which including 'receiving a selection criterion for selecting the data' [page 6, line 21-25], 'judging whether or not the data is coincident with the selection criterion, wherein pieces of

locating information tracing to the data coincident with the selection criterion are collected' [fig 3B, page 7, line 9-24].

26. As to Claim 29, 32, 43, 46, Legall teaches a system which including 'selecting the data indicated by the locating information' [page 6, line 24-27, page 7, line 1-5], 'giving a command to output the data' [page 8, line 17-26]. 'outputting the content ' [fig 2], Legall specifically teaches displaying the content that corresponds to outputting the content on the screen or window.

27. As to Claim 30, 44, Legall teaches a system which including 'collecting locating information for indicating a location of data' [page 12, 2-6], location information corresponds to station number ID as detailed in page 12, line 4, 'requesting a server on the network to collect pieces of locating information for locating where data exist, the data located by the locating information coming under a predetermined category' [page 8, line 1-12, fig 3B], 'receiving the locating information' [page 11, line 9-13].

***Conclusion***

**The prior art made of record**

- a. WO 98/43183

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

- b. US Patent No. 6486892

- c. US Patent No. 6163316

- d. US Patent No. 6351467

- e. US Patent No. 6081263

- f. US Patent No. 6460181

- g. WO 00/26762


- h. Aseel Ibrahim et al., Multimodal Dialogue systems for interactive TV applications, publishing date unknown, pp 1-6

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is (703) 308-8538. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time. The TC2100's Customer Service number is (703) 306-5631.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (703) 305-9790. The fax phone numbers for the organization where the application or proceeding is assigned are as follows:

703/746-7238	<b>(After Final Communication)</b>
703/746-7239	<b>(Offical Communications)</b>
703/746-7240	<b>(For Status inquiries, draft communication)</b>

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

sc   
*Patent Examiner.*  
September 6, 2003.